

# The design of R&D alliance contracts

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## **The design of R&D alliance contracts**

Bart Dormans  
Maastricht, 5 oktober 2013

- 1) ‘You must unlearn what you have learned’ (Yoda, *Star Wars V – The Empire Strikes Back*, 1980).
- 2) ‘Science, my lad, is made up of mistakes, but they are mistakes which it is useful to make, because they lead little by little to the truth’ (Jules Verne, *A Journey to the Center of the Earth*, 1864).
- 3) ‘All generalizations are false, including this one’ (ascribed to Mark Twain, 1835-1910).
- 4) The allocation of intellectual property control rights to a primary technology supplying firm is not merely a function of its financial constraints, but is also influenced by other factors determining its bargaining power (Chapter 2).
- 5) Alliance contracts between firms are not only subject to legal rule, but also function as a framework that guides the relationship between firms (Chapter 3).
- 6) Non-traditional dispute resolution mechanisms are not that non-traditional in contracts between firms (Chapter 4).
- 7) Alliance contracts can function as restraints on the unintended dissipation of knowledge in the form of inter-firm employee mobility (Chapter 5).
- 8) ‘The most important single central fact about a free market is that no exchange takes place unless both parties benefit’ (Milton Friedman, *PBS interview*, 10 October 2000).
- 9) ‘The law will never make men free; it is men who have got to make the law free’ (Henry David Thoreau, *Slavery in Massachusetts*, 1854).
- 10) ‘A law can be both economic folly and constitutional’ (Antonin Scalia, *CTS Corp. v. Dynamics Corp.*, 107 S. Ct. 1637, 1653 (1987), Scalia concurring).
- 11) ‘Knowledge is and will be produced in order to be sold, it is and will be consumed in order to be valorized in a new production: in both cases, the goal is exchange’ (Jean-Francois Lyotard, *The Postmodern Condition: A report on knowledge*, 1984).